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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re G.A., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

G.A.,

Defendant and Appellant.

E065608

(Super.Ct.No. SWJ1500283)

OPINION

APPEAL from the Superior Court of Riverside County. John M. Davis, Judge.

Affirmed.

Ami Sheth Sagel, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a plea, defendant and appellant G.A. (minor) admitted that he committed petty theft (Pen. Code, § 488), unlawfully taking and driving a vehicle (Veh. Code, § 10851, subd. (a)), possession of burglary tools (Pen. Code, § 466), and trespass (Pen. Code, § 602). In return, the remaining allegations were dismissed. Minor was declared a ward of the court and placed on probation in the custody of his parents on various terms and conditions. Minor later admitted to violating the terms and conditions of his probation several times, and was eventually placed in a suitable group home. Minor appeals from the dispositional order for out of home placement. We find no error, and affirm the judgment.

I

FACTUAL AND PROCEDURAL BACKGROUND

On August 20, 2014, at around 1:00 a.m., a Hemet police officer was on patrol when he observed a vehicle traveling with its headlights off. A records check of the license plate revealed the vehicle was reported stolen. The officer conducted a traffic stop and the driver of the vehicle, identified as minor, complied by pulling to the side of the road. Upon inspection, the officer noted the vehicle's ignition contained a “ ‘shaved key.’ ” A search of minor's person also revealed a ring of shaved keys. Minor admitted he unlocked the vehicle with a shaved key and that his co-participant used a different shaved key to start the ignition. Minor was taken into custody and later released to his mother.

On October 16, 2014, minor was placed on a six-month behavioral contract with the Youth Accountability Team on various terms and conditions. Ultimately, minor was terminated from the program due to his non-compliance and escalating negative behavior. He continued to use drugs, drove without a license, failed to attend the program, and refused to comply with the rules. Although it appeared minor's parents loved and cared for their son, they failed to provide him with structure, positive role models, and consequences for his actions. In addition, the parents had a history with child protective services, as well as a long history of family criminality.

On October 24, 2014, minor stole a pair of shoes from a JC Penny store in Temecula. Minor was detained and later released to the custody of his mother.

On May 18, 2015, two Welfare and Institutions Code¹ section 602 petitions were filed alleging that minor committed misdemeanor shoplifting (Pen. Code, § 459.5), misdemeanor petty theft (Pen. Code, § 488), unlawfully taking and driving a vehicle (Veh. Code, § 10851, subd. (a)), possession of a stolen vehicle (Pen. Code, § 496d, subd. (a)), and misdemeanor possession of burglary tools (Pen. Code, § 466)

On July 7, 2015, a third section 602 petition was filed alleging that minor committed misdemeanor trespass (Pen. Code, § 602, subd. (m)) on September 3, 2014.

On July 27, 2015, minor admitted to the allegations of petty theft, unlawfully taking and driving a vehicle, possessing burglary tools, and misdemeanor trespass. In

¹ All future statutory references are to the Welfare and Institutions Code unless otherwise stated.

return, the remaining allegations were dismissed. Minor was thereafter declared a ward of the court and placed on probation in the custody of his parents on various terms and conditions.

On September 18, 2015, a section 777 supplemental petition was filed alleging that minor violated the following terms and conditions of his wardship probation:

(1) missing several days of his juvenile work program that resulted in his termination from the program; (2) failing to attend school as required; and (3) failing to attend counseling as required.

On October 8, 2015, minor admitted to violating the terms of his probation. The juvenile court continued minor on probation in the custody of his parents on the previously imposed terms. The juvenile court also ordered minor to serve 14 to 28 days in juvenile hall.

One week later, on October 15, 2015, the juvenile court held a hearing requested by minor's trial counsel to modify minor's dispositional order. Minor's counsel informed the court that minor was hospitalized while in juvenile hall due to issues related to his diabetes and requested a modification of the dispositional order. The juvenile court modified the previous order by reducing minor's term in juvenile hall to not less than eight days, and no more than 16 days with credit of eight days for time served. The juvenile court also ordered that all of the previous conditions remain, including the requirement that minor complete six to 12 days in a juvenile work program if medically cleared to do so.

On November 2, 2015, the probation officer received a medical note advising that minor should not participate in the juvenile work program so that “he can focus on improving glucose monitoring and management.” As an alternative, the probation department directed minor to complete 20 hours of community service.

On November 19, 2015, a second section 777 supplemental petition was filed alleging that minor was suspended from one day of school, continued to have poor school attendance, and tested positive for marijuana on November 17, 2015.

On December 1, 2015, a fourth section 602 petition was filed alleging that minor committed felony vandalism (Pen. Code, § 594, subd. (b)) on September 20, 2015.²

On January 21, 2016, minor admitted the allegations in the second section 777 petition.

A contested dispositional hearing was held on March 17, 2016. At that time, minor’s counsel argued for the probation-recommended disposition for minor to remain at home with his parents along with wraparound services and the People argued for out-of-home placement. Following argument, the juvenile court continued minor as a ward of the court and ordered minor placed in a suitable placement. Pursuant to section 726, subdivision (a), the court found that “continuance in the home of the parents and legal guardian would be contrary to the minor’s welfare,” and “that reasonable efforts have

² The fourth petition was later dismissed.

been made to prevent or eliminate the need for removal.” On the same day, minor filed a notice of appeal, appealing the dispositional order for out-of-home placement.³

II

DISCUSSION

After minor appealed, we appointed counsel to represent him. Upon examination of the record, counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the record.

We offered minor an opportunity to file a personal supplemental brief, and he has not done so.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable issues that would result in a disposition more favorable to minor.

³ On March 24, 2016, a third section 777 petition was filed alleging that minor violated his placement order by absconding while en route to his designated placement facility. Minor admitted to the allegation in the third supplemental petition on August 2, 2016. The juvenile court ordered the previous placement order vacated and ordered a disposition of 180 to 360 days in juvenile hall.

III

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

MILLER
J.